

*REMARKS/ARGUMENTS**The Pending Claims*

Claims 198-223 currently are pending. Claims 216 and 217 have been withdrawn in response to a restriction requirement. As such, claims 198-215 and 218-223 currently are subject to examination. With respect to claims that have been withdrawn, upon allowance of the composition claims, Applicants request rejoinder of the withdrawn method claims dependent on, or otherwise containing the features of, an allowed claim.

Summary of the Office Action

Claims 198-201, 203, 218, and 220 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent 6,710,366 (Lee et al.) (“the Lee patent”). Claims 202, 204-215, 219, and 221-223 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over the Lee patent in view of U.S. Patent 6,207,392 (Weiss et al.) (“the Weiss patent”) and U.S. Patent 6,846,565 (Korgel et al.) (“the Korgel patent”). Reconsideration of these rejections is respectfully requested in view of the remarks set forth herein.

Discussion of the Rejection Under 35 U.S.C. § 102(e)

The Office has rejected claims 198-201, 203, 218, and 220 as allegedly anticipated by the Lee patent. In particular, the Office alleges that the Lee patent teaches a quantum dot with a continuous graded alloy of distinct core and shell materials in an “interface region” between the core and shell. Applicants do not agree with the assertions of the Office and respectfully traverse the anticipation rejection.

However, it is unnecessary to discuss the differences between the Lee patent and the present invention inasmuch as the Lee patent is not prior art to the present invention under 35 U.S.C. § 102(e). In particular, the Declaration under 35 C.F.R. § 1.131 of Shuming Nie submitted herewith establishes conception and reduction to practice of the present invention prior to the earliest possible effective filing date of the Lee patent under 35 U.S.C. § 102(e) (i.e., August 2, 2001). As such, the Lee patent is not prior art to the present application under section 102(e), or under any other subsection of section 102 for that matter.

In view of the foregoing, Applicants submit that the anticipation rejection is moot and should be withdrawn.

Discussion of the Rejection Under 35 U.S.C. § 103(a)

The Office has rejected claims 202, 204-215, 219, and 221-223 as allegedly obvious over the Lee patent in view of the Weiss patent and the Korgel patent.

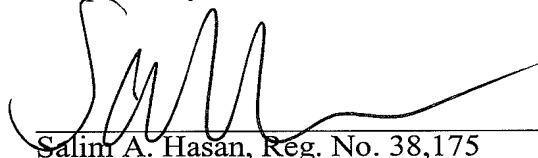
As discussed above, the Lee patent is not prior art to the present application in view of the Rule 131 Declaration submitted herewith, which establishes conception and reduction to practice of the invention recited in the pending claims prior to the earliest possible effective filing date of the Lee patent under 35 U.S.C. § 102(e) (i.e., August 2, 2001). As acknowledged by the Office, the disclosures of the Weiss and the Korgel patents fail to teach each and every element of the claimed invention.

Accordingly, the obviousness rejection is moot and should be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Salim A. Hasan', is written over a horizontal line.

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